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The Case of John Donnel-
lan, Esq., Captain of Foot,
In the Service of the United
Company of Merchants Trading
to the East-Indies...

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EX LIBRIS

THE
C A S E

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JOHN DONNELLAN, ESQ.

CAPTAIN of FOOT,

IN THE SERVICE OF THE

United COMPANY of MERCHANTS
trading to the EAST-INDIES,

HUMBLY ADDRESSED TO

The Honourable the COURT of
DIRECTORS of the said COM-
PANY.

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& in which Mr. Ford was a field officer at the
time we had those orders -

in consequence of his having honourable Testimony
of his Character from the Governor of Madras, and the
Commander in Chief of the Coast of Coromandel
to the Governor &c. of Calcutta in Bengal
as well as bringing with him 72 men -
in need to the Climate

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T H E
C A S E
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JOHN DONNELLAN, Esq.

HIS late Majesty having ordered the 39th regiment, commanded by Colonel *Aldercron*, home from the *East-Indies*, in the year 1757, was pleased to signify his pleasure, by a letter from his Secretary at war, “*that any officers, under the rank of field officers, who should chuse to enter into the Company’s service, might do it without prejudice to their rank in his; and that such of them as returned to Europe should, on producing a certificate of their good behaviour while in India, be immediately put on the half-pay list.*” Captain *Donnellan*, then a subaltern in that regiment, availed himself of this permission, and was appointed Captain of foot in the Company’s service, by commission, bearing date *December the 15th, 1757.*

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At the close of the following year an expedition was planned against *Mazulipatom*, the capital of *Golconda*, and Colonel *Ford* appointed to the command of the detachment destined for that service.

Soon after the march of the troops, it was, among other things, agreed, at a meeting of the officers, “*that the agents to be appointed for the management and distribution of future prizes, should be allowed five per cent. on the sale of goods, and one per cent. on money; and that no dividend should be made till their accompts were passed by the captors.*”

In an engagement with the enemy, *December* the 14th, at *Chumbole*, it was Mr. *Donnellan*’s ill fortune to receive a ball in his leg, which shattered the bone, and obliged him to retire to a *Dutch* factory on the coast, forty miles from the scene of action. The surgeons judged the symptoms so unfavourable, that they urged the necessity of an immediate amputation, from an apprehension of a mortification; but this he refused to submit to; and soon after, being somewhat recovered, and hearing that the troops were preparing to march to the place which was the object of the expedition, he determined to join them, though his wounds were still open, and he incapable of walking without the assistance of crutches.

In a short time after his joining the army, they invested *Mazulipatom*; and, on the 7th of *April*, 1759, he, and three other gentlemen, were, by an instrument

instrument in writing, signed by Colonel *Ford* and the other officers on the expedition, appointed agents for all captures which might be made in the course of it.

On the evening of that day, the troops had notice to hold themselves in readiness for an assault at ten o'clock the same night; when, after an obstinate resistance, they made themselves masters of *St. John's* bastion, sword-in-hand, and turned it's cannon on the enemy, who were entrenched chin deep between it and the town. After dislodging them, they soon possessed themselves of the next bastion; but here their progress was checked by the enemy's recovering from their consternation, and attempting to form. At this moment, Mr. *Donnellan* seeing Colonel *Ford* on the opposite side of the ditch, without the fort, instantly ran down the breach, and throwing over one end of his sash, while he held the other, assisted him in passing the ditch; and, as they walked up the bastion, represented to him the impossibility of carrying the other works, or maintaining their ground with the small force which they had, and offered to go, attended only by his serjeant, (who, being a *French* deserter, knew every quarter of the town) and endeavour to find the Governor *Monsieur Conflans*; not doubting, if he could make him prisoner, but the place would fall of course.

To this the Colonel objected as rash and impracticable: but on his urging that now was the

decisive moment, and that no alternative remained, he acquiesced; and Mr. *Donnellan*, accompanied only by his serjeant, after traversing several streets, arrived at length before the gate of the arsenal. It was guarded by a file of men with bayonets screwed, a twelve-pounder was pointed towards the street, which a soldier with a lighted ~~match~~^{match}, stood prepared to discharge on the first approach of an enemy: and crowds of officers were passing to and from the General's apartments, in great hurry and confusion. Mr. *Donnellan* approaching without hesitation, was suffered to pass, and fortunately explored his way, unnoticed, to the Governor's chamber. The instant he entered he announced his errand; informed him, that the *English* had got such a re-inforcement as must render all resistance vain; that they were now pouring in on all quarters; that, in a little time, it would be impossible to restrain the rage and impetuosity of the troops; and that nothing but an immediate surrender could prevent all the dreadful consequences of a storm. Moved by those reasons, and the arguments of two priests who were present, *Monsieur Conflans* acknowledged himself his prisoner; and, at his desire, dispatched three written orders to the troops in different quarters of the town, to lay down their arms. He then commanded a Major to accompany Mr. *Donnellan* to Colonel *Ford* as a hostage: And thus the reduction of this place was achieved with little or no loss to the besiegers, and

without that carnage so horrible to humanity, too often the unavoidable consequence of a place's being taken by assault.

Mr. *Donnellan* is thus minute in this part of his detail, because he cannot but consider this important service as principally resulting from his presence of mind and address on that occasion. He is aware with how ill a grace a man is the blazoner of his own deeds; but there are occasions where modesty would be culpable and silence an injustice to one's self. It may be necessary too to put this, joined to the general tenour of his conduct, in the scale, against the very venial transgression which has been made the pretext for all the hard treatment he has experienced. When this is done, it may possibly appear, that the punishment has been greatly more than adequate to the offence.

On the reduction of the place, Mr. *Donnellan*, with his fellow agents, possessed themselves of every thing which, by right of conquest, became the property of the conquerors, and were proceeding to turn them to the best account for their employers, when they received a verbal order from the Colonel to deliver to certain black merchants such effects as they should claim for their property. This order was delivered by one *Tymony*, a *Bannyan*, who acted as steward and manager for the Colonel, and was known to have an unbounded ascendant over him.

As it appeared that many of the claimants were *French* in the habits of *Armenians*, Mr. *Donnellan*, with those joined in commission with him, thought that they should fail in their duty to the army, if they acquiesced in a measure which so nearly affected their common interests without remonstrating ; he accordingly expressed his doubts to the *Bannyan*, and urged the necessity of a written order to justify their compliance to the captors : But this caution which a prudential regard to their own safety suggested, the *Bannyan* construed into wilful disobedience, and threatened to represent it as such to the Colonel. A warm altercation ensued ; in which, from the behaviour and expressions of *Tymony*, it appeared, but too clearly, that this requisition had been concerted between the merchants and him ; that, by his influence, the order had been obtained, and his warmest interposition effectually secured, by a very powerful application to his avarice. The claims, made in consequence of this order, were so exorbitant as to startle the agents. Many bales of the richest manufactures of *Asia* and *Europe*, chests of treasure, and merchandize of various kinds, some marked with the cypher of the *French East-India* Company, others with the names of individuals of that nation, were peremptorily demanded, as the private property of those black merchants and pretended *Armenians*.

Mr. *Donnellan* pretends not to enter into Colonel *Ford's* motives for issuing an order which struck so

deeply at the interests of all who had served on this expedition. By the laws of war the lives and property of the vanquished, he apprehends, were, in the present case, at the mercy of the conqueror; and this rule will be found to extend to all, of whatever colour, nation or profession, who could be proved to have borne arms against us, or to have ministered assistance of any kind to the enemy during the siege; and whatever mercy it might have been proper, for the honour of the *British* name, to shew to a vanquished foe; whatever moderation it might have been adviseable to exercise, in the discretion of the conqueror, towards neutrals residing in a fortress so taken, merely for the purposes of trade, the restoring such effects as were known to be the property of the enemy, and that, in such profusion, as to lessen the hard-earned fruits of this conquest considerably more than one half, must be considered as the highest act of injustice to the conquerors.

However prompt his obedience *as an officer* should have been to any order from his commander, Mr. *Donnellan* thought it his duty, *as agent for the captors*, to delay the execution of a mandate, the authenticity of which he doubted, or which, tho' authentic, might have been obtained by surprize or misrepresentation. Influenced by these reasons, he waited on the Colonel in order to communicate to him his suspicions; but he found him so irritated by the false representations and artful insinuations of the *Bannyan*, that all
attempts

attempts to remonstrate were vain; the order was avowed, repeated, and instant obedience thereto required. Mr. *Donnellan* communicated the matter to the other officers whose interests were at stake; and they, seeing no part left for them to take but submission, declared him and his fellow agents justified in obeying it.

Mr. *Donnellan* means not to state any thing but facts; nor does he wish to animadvert on the conduct of any gentleman in the service farther than may be necessary to set his own in a proper point of view. He will not here, therefore, take any advantage of *certain critical circumstances in the Colonel's situation*, though they might possibly enable him to account for a proceeding so extraordinary.

The *Bannyan* and his friends availed themselves of the order in its utmost extent, and set no bounds to their rapacity; Mr. *Donnellan* and his colleagues attended at all hours of the day, to sort and separate such merchandize as they claimed; and, tho' the task could not be supposed an agreeable one, (for they sustained a double loss as captors and as agents) yet they went through it with such alacrity, that the claimants thought themselves bound to make them some compensation, and spontaneously presented them with a sum somewhat short of 50 *l.* a man.

Tho' this *doceur* bore no proportion to the agency-fees, to which they would have been entitled had they

they sorted and separated the same goods for the inspection of purchasers; and was the free-will-offering of men who thought themselves essentially served, their acceptance of it constitutes the whole of the charge against them.

They were ordered out of the city into the camp, which stood at some distance, where they were immediately put in arrest, and in a few days brought to a court-martial: this court was composed partly of aliens who were unacquainted with our customs and language, and partly of very young officers who had never been in service before; the interpreter was a black slave tutored for the purpose; the witnesses were the black merchants, and pretended *Armenians*, and the *Bannyan Timony*, (who, most probably, had advised making the present for this very purpose) the prosecutor. From such a tribunal, and so informed, (however upright the intention of its individuals) equal justice, and an impartial decision, was not to be expected. They adjudged the agents to have fallen under the 12th article of war, and sentenced them to be dismissed the service for ungenteel behaviour. From a sentence thus obtained, grounded on such a charge, and supported by such evidence, it was a duty Mr. *Donnellan* owed to himself to appeal. With this view, he applied repeatedly to the Colonel for a copy of the proceedings, who was *candid enough* to tell him, “ that he should not have that or any other material
“ on

“ on which he might ground an application for redress on his return to England ;” and, in order to compleat the measure of his oppressions, he arbitrarily deprived him of several papers which might be necessary to elucidate his case at a future day, and compelled him and the other agents to pay into the hands of his aid-de-camp the money which they had received in consideration of their extraordinary trouble, that it might (as was said) be restored to the black merchants.

At this time *Monsieur Confians* made *Mr. Donnellan* many tempting offers, and opened to him the most alluring prospects, with a view to engage him in the service of *France* ; but neither resentment for the wrongs which had been heaped upon him, on one side, nor the many solid advantages hung out to him, on the other, could make him for a moment forget his duty to the Company, or his allegiance to his natural Sovereign.

Mr. Donnellan's fellow-sufferers were soon after restored to their rank, and an intimation conveyed to him that he should experience the like lenity on his making a proper concession : But, his services over-looked, himself degraded, every studied indignity and difficulty thrown upon him, and all means of redress, but one, cut off : Can it be wondered at that he rejected such proposition with disdain, and resolved to return to *England*, and throw himself on the justice and humanity of the Direction ?

Having

Having stated Colonel *Ford's* public conduct, on this occasion, and the treatment which Mr. *Donnellan* experienced from him as commander, it may not be improper, in this place, to relate a transaction of a more private nature, which, he has the strongest reason to believe, has coloured the Colonel's whole subsequent conduct to him, and been the source of every hostile proceeding from that quarter.

Soon after Colonel *Ford's* return from *Golconda* to *Bengal*, in consequence of an order from home, by which he was superseded, the *Dutch* (in prosecution of a plan long laid) committed hostilities on our ships and settlements in that province.

At this period Mr. *Donnellan*, who was at *Catcutta*, preparing to return to *England*, wrote to Colonel *Ford*, and told him, that, in times of general danger, all private resentment should be sacrificed to the publick good; and that, for his own part, he was willing to forget his wrongs, and serve in the then alarming state of things in whatever capacity he should please to employ him. But this offer Colonel *Ford* rejected, and for this extraordinary reason, that he was informed, he said, that Mr. *Donnellan* had reflected on his military skill in the disposition he had made at the battle of *Chumbole*.

Anxious to prove his innocence, Mr. *Donnellan* immediately waited on him, when, on his pressing the matter with some earnestness, the Colonel acknowledged, that he had his information from an
officer

officer of rank in the service, whom he candidly named.

Mr. *Donnellan*, after having in vain sought reparation from this calumniator, by those methods which naturally occur to minds impatient of a wrong, had the good fortune to intercept him one morning in his way to the Colonel. Conscientious guilt had taught the accuser to consult his safety in an unusual manner; on seeing the man whom he had wronged approach, he issued from his palanquin with a cocked pistol in either hand; and thus armed, Mr. *Donnellan* ushered him into the Colonel's presence. He there charged him with the falsehoods which he had uttered relative to him, and asked him on what authority he had dared to broach them. With confusion and hesitation, the other owned that he had not heard Mr. *Donnellan* utter the reflections alluded to, not having had any intercourse with him since his return from *Golconda*, and that he had spoken only from the voice of common report. Mr. *Donnellan* had a hope that the abject figure his informer made, joined to a sense of the wrongs which he himself had already suffered, would have worked a change in the Colonel's sentiments of him; but this hope proved vain.

On Mr. *Donnellan*'s return to *England*, he applied by memorial to the Court of Directors, praying, for the reasons therein assigned, to be re-instated in his rank. The memorial contained a
brief

brief recital of those facts which are here related more at large. After it had been under consideration for some months, his commission, which had accompanied it, was returned by the Company's Secretary, with a verbal declaration, *that his conduct was judged blameless*. Under this declaration he rested perfectly satisfied that the same honourable testimony would not be wanting, if, on his embarking in any new scheme of life, it should ever become necessary.

Tired of an inactive life, he, some time since, entered into treaty for a commission in the cavalry; but to enable him to purchase this it became necessary for him to be restored to that rank which he held in the King's service, before he entered into the Company's; and the orders sent to *India* from the War-office, in the year 1757, made a certificate of good behaviour while in *India*, an indispensable requisite to his being put on the half-pay list. Thus circumstanced, he applied to Lord *Clive*, who referred him to Colonel *Ford*; and to him he some months since addressed a letter, conceived in the most conciliating terms. He expressed a hope, that, after so long an interval, he would not suffer the memory of a trifling misconduct to operate to his disadvantage, and bar his advancement in life; much less suffer any personal considerations to govern him on the occasion; the more especially, as he could venture to appeal even to him, whether his

conduct

conduct, when in service, did not outweigh any charge that ever was or could be exhibited against him.

In answer to this, Mr. *Donnellan*, in a few weeks, received a letter, in which Colonel *Ford* briefly informed him, “ *that the same reasons still subsisted* ” “ *which had governed his conduct to Mr. Donnellan* ” “ *abroad ;—if he should think proper to appeal to a* ” “ *court-martial at home, from the sentence of that in* ” “ *India, he would then endeavour to justify that con-* ” “ *duct—till then he wished to be excused from* ” “ *holding any further correspondence on the sub-* ” “ *ject* ”——and here the matter rests.

Such have been Mr. *Donnellan*’s services, and such his reward ; such has been his offence, and such his punishment. He seeks no pecuniary compensation for the losses and disgrace he has sustained. His first wish is to return to the King’s service as unblemished as he left it ; and, tho’ he should spend the remainder of his days in a private station, he feels an honest ambition to retire without the shadow of a stain upon him.

From the sentence of the court-martial in *India* he brings his appeal to the Company : the proceedings of that court have, or should have, been long since transmitted to them for confirmation. If they shall wear an arbitrary, oppressive and illegal face ; if the sentence shall appear to have been obtained by undue influence, or to be grounded on a frivolous charge

charge supported by interested and profligate witnesses ; if to accept the unsolicited offering of men grateful for benefits received, or (to speak more properly) the honest produce of one's own labour, be not a crime ; if tho' swelled by *the malignant and designing*, into one of the first magnitude, it is still justified by the uniform practice of the Company's military servants in *India* ; and finally, tho' Mr. *Donnellan's* proceeding, in this particular, should not be strictly regular ; if the colour of his general conduct, if his services, have been such as greatly over-balance it, the justice and wisdom of the Company will interpose : they will not, he confides, let private enmity assume the garb of *moderation to the vanquished*, in order to give its stab ; they will not suffer one inadvertent act (if it deserves that name) to cancel a series of services ; nor, by ratifying this measure of oppression, establish a precedent pregnant with mischief to their whole military establishment in *India*.

In a word, if the Direction shall be of opinion, on a full and fair view of the whole, that Mr. *Donnellan* has not offended, or offended but in a very slight degree, and that he has been more severely dealt with than reason, justice, or the good of the service required, he presumes to hope, that they will, by an immediate declaration to that effect, for ever wipe off the stain which the proceeding in *India* has left upon him, and restore him to the full possession of that

good name, without which he can neither return to the King's service, nor, with satisfaction to himself, enter on any other walk of life.

This declaration in his favour (tho' an object of the last importance to him) he does not, however, seek to obtain by surprize. Let those who may be interested in opposing it have fair notice of this application, and let them, if they can, controvert any one fact he has stated.

But should the peculiar circumstance of this case place it out of the cognizance of the Direction ; if, at this distance of time, they should judge it neither expedient nor regular to set on foot an enquiry, which may affect the interests or character of one long since removed from their service, justice will direct them to leave the ordinary channels of redress open to an injured officer, who has shed his best blood in their service ; and to enable him, by granting him a copy of the proceedings in *India*, to apply to his Majesty's Secretary at war for a court-martial, whose final sentence may either establish the former, or, by reversing it, heal the wounds which his honour has received, and restore to him that character which, as a soldier, must be far dearer to him than life.

F I N I S.

A P P E N D I X

T O T H E

F O R E G O I N G C A S E.

MR. DONNELLAN finding, since the publication of his case, that it was not likely to produce the effect he wished, yet unwilling to give up without further effort a point in which his honour was so deeply interested, repeated his application to the Directors, as well as to Lord Clive, Colonel Ford, &c. From those applications, tho' conceived in terms the most respectful and conciliating, he has reaped no other advantage than the consciousness (whatever may be the issue of this business) of having left no method untried to obtain redress, by appealing not only to the justice, but to the feelings of those to whom he addressed himself. After having in vain searched for the copy of the court-martial held on him in India, in every quarter where there was a possibility of its being deposited, he is now informed by the Company's Secretary, that orders have been sent by the last ships to India, to have their records in

Bengal searched for it, and if found, to have it transmitted home. Whatever face of justice and moderation this may wear, it subjects Mr. Donnellan to a delay, injurious not only to his character, but his circumstances; prevents his entering on a scheme of life, which he has much at heart, and obstructs the execution of measures necessary to the advancement of his fortune. From the present Direction he has better hopes, and for their information, as well as for the satisfaction of his friends, he thinks it necessary to annex the following Letters and Memorials written on the occasion, to the case already delivered.

They are printed in the order in which they were written, contain indisputable facts, and will speak for themselves.

MEMORIAL delivered, after having waited some Time without receiving any Answer to the foregoing Case.

Captain Donnellan humbly hopes your Honours will excuse his being thus importunate at this season, when you have so many more important matters to engage your attention; but he is really so circumstanced, that he must once more request an immediate answer to the case which some time since he laid before you. If, in consideration

deration of his services and sufferings, he is not to look for favour from you, he must seek justice from a military tribunal ; and there can be no season so proper to apply for either as the present, when the gentleman by whom he thinks himself aggrieved is on the spot to defend his conduct : for should he miss this opportunity, and renew his application after that gentleman's departure, he may be justly charged with taking an advantage of his absence. If Captain Donnellan should be obliged to apply to the Secretary at war for a court-martial, he still hopes, that he shall be furnished with such papers as have been transmitted to the Direction, relative to the proceeding against him in India, as they must necessarily constitute the principal part of his evidence on the occasion.

*Spring-Garden, Wednesday
morning.*

ANSWER of the Committee of Correspondence, to the foregoing Case and Memorial.

S I R,

I AM commanded to acquaint you, that the Committee of Correspondence having taken your case, dated the 31st May last, with your memorial of the 5th instant, addressed to the Court
of

of Directors, into their consideration, and it appearing that the Company's records and letters received from India, are intirely silent on the circumstance of your case, excepting as to your appointment to a Captain's commission, they are unable, from the want of evidence, on the part of the Company, to give their opinion on your conduct; but willing to render all the satisfaction in their power, they have ordered application to be made to the Advocate-general, for a copy of the proceedings of the court-martial against you at Mazulipatam, in 1759, as there are none such in the Company's custody, that, if those proceedings are to be found in his office, and a copy obtained, you may be furnished with a transcript thereof.

I am, Sir,

Your most obedient servant,

P. MICHALL, Secretary.

East-India House, the

21b July, 1769.

To Captain Donnellan.

Mr.

Mr. DONNELLAN's Second Memorial
to the Court of Directors.

T O T H E

Honourable the COURT of DIRECTORS, &c.

The Memorial of Capt. JOHN DONNELLAN.

IN answer to your Honours letter of the 7th, your memorialist finds it now necessary to inform you, that on application to the Advocate-general, it does not appear that any report of the proceedings against your memorialist in India, has ever been transmitted to his office; nor could such report come regularly to it through any other channel, than with the dispatches addressed to your Honours from India. Hence it appears, that, whether considered as a King's or a Company's officer, his degradation was judged a matter of so little importance, that it was not thought necessary to report to either, the proceedings had on that occasion. As the offence with which your memorialist is charged, was supposed to have been committed in your Honours service, had the mode of proceeding uniformly, observed in similar cases, been pursued in this, the sentence of the court-martial, together with the evidence on which it was grounded,

grounded, would have been transmitted home for your confirmation; for though from local circumstances, the sentence must have instantly taken effect, yet such a proceeding would have left an open for those who might have thought themselves aggrieved by it, to apply at any time for redress; and wide is the difference between a temporary inconvenience and a perpetual stigma. It is almost unnecessary to observe to your Honours, that in the King's service, the sentence of a court-martial is not deemed final till it has had his Majesty's approbation. In the present case, you stand in the situation of the Sovereign, and will, your memorialist is persuaded, watch with the same tenderness and attention over the honour and interests of those employed in your service; though from the pains that appear to have been taken to draw a veil over this transaction, it were not unfair to infer, that there is something in it that shuns the light. Your memorialist, however, injured in fortune and reputation, however solicitous to bring his own conduct to the most public scrutiny, will not presume a dishonourable dealing on the part of one whose conduct, as a soldier, and as a man, stands (he admits it) unimpeached: he is willing, therefore, to impute rather to accident than design, the neglect of transmitting home the proper documents in this affair; and still presumes to hope, that as the want of them will throw him

under

under almost unsurmountable difficulties, (should he, after all, be obliged to resort to a military tribunal) your Honours will take the peculiar hardship of his case into consideration, and grant him (as soon as may be) the redress he solicits; or, by a refusal, refer him at once to his only remaining remedy, a court-martial. He is sorry to be thus importunate, at a time when there are so many more important matters to engage your Honours attention; but there can be no season so proper as the present, when the gentleman by whom he conceives himself aggrieved is on the spot; for should he miss this opportunity, he might hereafter be justly charged with taking an advantage of his absence; and he is determined (whatever may be the issue of this affair) that his conduct on the whole, shall be such as shall not leave any room for self-reproach. He has a grateful sense of the attention which has been already paid to his case, and doubts not, that, on reconsidering it, your Honours will grant him such remedy as the nature of the grievance he complains of may seem to require.

Copy of a Letter from Captain DONNELLAN to Sir THOMAS ROBINSON, who had voluntarily undertaken to interpose his good offices with Colonel FORD, in order to bring the matter to an amicable issue.

S I R,

I Beg you will accept my warmest acknowledgments for the friendly part you have acted in a matter so highly interesting to me, as that which you have undertaken to manage. Had I a hope that Colonel Ford would have listened to the interposition of a friend in my favour, I should never have thought of resorting to any other method of obtaining redress.

As a gallant officer, he must feel for a military man, labouring under an undeserved opprobrium; and his own good sense must ere now have told him, that there has been no proportion between the measure of my supposed offence and that of my punishment.

I am far from stipulating for any concession which may subject the Colonel to the charge of inconsistency, or be in any way injurious to his character. As he must be sensible that my military character stands unimpeached, he will please
to

to certify as much, and in his *own* language; for *that* I am persuaded, will be such as justice, honour and humanity will suggest. If a doubt still remains in his breast, with respect to the falshood of Major White's charge, I am ready to give him every satisfaction in my power on that head; and the circumstance of having received a trifling gratuity from the Black Merchant, for the very great trouble my fellow-agents and I were at, in sorting the effects they claimed, will not, I flatter myself, at this day, appear to him a sufficient reason why, after having suffered in my fortune by the loss of my commission in the Company's service, I should also forfeit my rank in the King's.

I have only to add, that I had much rather be indebted to Colonel Ford's justice, and (if I may presume to claim it) his friendship, for his testimony to my character, than to a determination in my favour, (however honourable it may be to me) either of the Company, or of a court-martial.

I am, dear Sir, &c. &c.

Extract of a Letter from Col. CLIVE,
in Answer to one from the Committee of Correspondence, written in
Consequence of Captain DONNEL-
LAN's first Memorial to the Court of
Directors, after his Return from
India.

“ I Cannot say, excepting in this one instance,
that ever I heard Captain Donnellan's beha-
viour, as an officer, called in question; but rather
to the contrary; and do believe, he shewed equal
courage with the rest of his brother-officers, in the
late successful expedition in Golcondah.

“ I have wrote to Major Ford for the general
court-martial, and if he has it not in his posses-
sion, imagine I have, and will certainly take the
first opportunity of transmitting it to the Commit-
tee of Correspondence.

I am, Sir,

your most obedient humble servant,

ROBERT CLIVE.

Condover, near Shrewsbury,

21st Sept. 1761.

To ——— Michell, Esq.

Copy

Copy of a Letter to Lord CLIVE, with
one of Mr. DONNELLAN'S CASES.

MY LORD,

THE accompanying printed state of my case, will save us both the trouble of a long preface to the request I am now about to make: your Lordship may remember, that in some time after my return from India, I had the honour of waiting on you in London, in order to apply for the certificate of my good behaviour, which the orders sent out on recalling Aldercorn's regiment in the year 1757, made necessary to my being restored to my rank in the King's service; and which, I apprehended, would come with propriety from your Lordship only, as commander in chief at the time. You may also remember that you referred me to Colonel Ford, as having commanded on the Golconda expedition; in which alone my conduct had ~~not~~ been in the least arraigned, pointing out at the same time, the necessity you were under of supporting him in his measures, while in that part of the world, urging the improbability that any censure then passed on me as an agent, should affect my military character at home, and obligingly promising to write to the court of Directors in my favour.

Since

Since Col. Ford's arrival in England, I have taken every possible measure to wipe off the stain, which I apprehended the sentence of the court-martial in India might have left upon my character. I have, in the case before your Lordship, and in two memorials delivered since (with decency and firmness) sought redress from the Directors; but though they have shewn the greatest willingness to give me all possible satisfaction, and Col. Ford (I understand) is far from opposing my just demands, there appears among the records of the Company, a letter written (I suppose) in consequence of my application to your Lordship, but couched in terms so equivocal, as to leave me in a situation much worse than that in which I was before it was written.

I have been furnished with two short extracts from it; one charging me directly with extortion; the other indirectly with cowardice*. Though the first is in some sort warranted by the sentence of the court-martial; yet is there a material difference between the quantum of the sum stated in your Lordship's letter to have been taken from the

* A friend of Mr. Donnellan's had seen in the Secretary's office at the India-House, Lord Clive's answer to a letter from the Committee of Correspondence, relative to the subject matter of his first memorial, and made an erroneous extract from it; in which, he evidently misunderstood his Lordship's meaning: this extract he communicated to Mr. Donnellan, and this alone gave rise to the mistaken notion that Lord Clive had impeached his courage.

Black Merchants, and that given in evidence before the court. As to the second, conscious as I am, that so far from its having ever constituted any part of a regular charge against me, it could never have been even whispered, never have existed in the imagination of my most envenomed foe : I am satisfied your Lordship could not have meant to throw so cruel and unmerited a stain on me, at the very time too when you professed an intention of serving me. Now, my Lord, as those parts of your Lordship's letter to which I have alluded to may be mistaken, and as the Court of Directors have manifestly misunderstood them, (for on the doubtful meaning of them, they ground their only objection to the giving me the testimony I solicit) I shall hope from your honour and justice, that you will, as soon as may be, explain to them by letter the sense in which you meant those passages should be taken. I make no apology for the trouble which this application may give you, convinced, that the truly brave man must ever be the soldier's friend, and that your Lordship's candour will lead you to rectify chearfully, and at once, any mistake which through inattention may have escaped your pen. I do not state the passages pointed at, but refer your Lordship to your own letter, which is in the custody of Mr. Mitchell, Secretary to the Company, and may be seen at pleasure. If on a review of what you have written, it shall appear to be
conceived

conceived in terms which may admit of a construction injurious to me, I have not a doubt of your condescending to repair an unintended wrong, the more especially as your Lordship's testimony will (I am taught to believe) smoothe every difficulty and greatly facilitate my obtaining the redress I seek.

But if after all, fresh and unforeseen objections should arise, and I should be ultimately driven to my only remaining remedy, a court-martial, and an appeal to the public, there are certain materials necessary for either purpose; which (having in vain searched for in other places) I conceive are to be found only among your Lordship's papers (I mean the proceedings of the court-martial held in India on me, and my fellow-agents) those materials I hope, and believe, your Lordship will not withhold from me on this trying occasion.

I have the honour to be,

with the greatest respect,

your Lordship's most devoted

and obedient humble servant,

JOHN DONNELLAN.

*Duke of Gloucester's Arms, Spring-
Gardens, Sept. 14, 1769.*

Lord

Lord CLIVE's Answer to the foregoing.

SIR,

AT my return from abroad last Sunday, I received your letter of the 14th instant. Enclosed is a copy of my letter to Mr. Secretary James, of the 21st September, 1761, which is the only letter I recollect to have written concerning you. In that, you will observe, there is not the least imputation upon your character as a man of courage; and if the Directors have any injurious suspicions of that nature, I shall be ready at any time to contribute to remove them by my testimony. As to the proceedings of the court martial, I do not find that they are in my possession.

I am, Sir,

Your most obedient

humble servant,

CLIVE.

*Berkeley-Square,**28th Sept. 1769.*

To John Donnellan, Esq. Duke of Gloucester's
Arms.

D

Mr.

Mr. DONNELLAN'S Reply.

MY LORD,

YOU have rectified a mistake committed by a friend of mine, who made an inaccurate extract from your Lordship's letter to Mr. Secretary James, I am now satisfied that it was far from your intention to impeach my courage, and I have only to lament your having in some sort adopted the sentiments of Col. Ford, and the court-martial, relative to the transaction at Mazulipatam. When your Lordship wrote that letter to Mr. Secretary James, you wrote (you say) from memory, not having your papers to resort to. This however has produced a mistake as to the sum received by my fellow agents and myself from the black merchants, the whole present amounting to 900 rupees only, (as appeared on the face of the evidence) whereas your Lordship, in your letter to the Committee of Correspondence, states it at 4000; may I hope that your Lordship will condescend to rectify this mistake likewise?

From Col. Ford's arrival in England to the day of his departure to India, I omitted no one step that could be taken, in order either to procure (from their sense of my services and sufferings) the testimony of my honourable masters in my favour; or, if I should fail in that, to obtain redress by an appeal

peal to a general court-martial, and I chose that season to stir in this business, lest it should be said at a future time, that I took an unfair advantage of Mr. Ford's absence. I now find myself driven to the latter mode of proceeding, and at the same time denied the benefit of that evidence to which the meanest sentinel in the service is of common right entitled. The proceedings of the court-martial in India, (without which it is in vain to apply to his Majesty's Secretary of War) are not (it seems) in your Lordship's possession, neither are they to be found among the Company's records, nor were they ever transmitted (as in the case of a King's officer, they certainly should have been) to the office of the judge Advocate-general.

Thus circumstanced, all (I fear) that remains for me, is, to carry my case to the Throne; but before I take such a measure, I would make one effort more to obtain justice in the ordinary way; your Lordship will therefore pardon me, if I once more intreat you to have diligent search made among your papers for the proceedings of the court-martial, in order to throw a proper light on this affair. I am emboldened to repeat this request, because it appears from your Lordship's letter to Mr. James, that "*your absence from town prevented your having recourse to your papers, by which means you might have given a more circumstantial account of the matters alluded to in my first memorial:*" and again, that "*you had*

written to Col. Ford for the proceedings of the court-martial; and if he had them not in his possession, you imagined you had, and would certainly take the first opportunity of transmitting them to the Committee of correspondence." From all which it pretty clearly follows, either that you, my Lord, have got them, or that Col. Ford having them, did not think it adviseable to comply with your Lordship's requisition. It is as evident that they *never have been transmitted to the Committee of Correspondence*, and that all my labours to obtain them have hitherto proved ineffectual. I draw no inference from the above, the natural one will not escape your Lordship.

I beg your Lordship to believe that nothing but my solicitude for a much injured character could make me thus importunate. I have the honour to be with true respect,

Your Lordship's

most obedient humble servant,

JOHN DONNELLAN.

Mr.

Mr. DONNELLAN's Last Memorial to
the Committee of Correspondence.

TO THE

HONOURABLE the Court of DIRECTORS of
the United Company of MERCHANTS,
trading to the East-Indies.

The Memorial of Captain JOHN DONNELLAN.

WHEN your Memorialist had last the honour of addressing you, he entertained a hope, that if it should appear to your Honours that the proceedings of the court-martial, by whose sentence he has been dismissed your service, were not to be found, it might reasonably induce a suspicion that they were (for some reasons which would not bear examination) suppressed by those in whose possession only they can be looked for, and that under the peculiar circumstances of his case you would not leave him without remedy, but grant him that relief which he has prayed in his first Memorial.

By your Honours order, search has been made in the Advocate-general's office, and by the three annexed letters it will appear that application has been repeatedly made to a late commander in chief

of

of your forces, but all without effect. To apply to his Majesty's Secretary at War for a general court-martial, without having the sentence of the court-martial in India, and the evidence on which it is grounded, to lay before them, will answer no purpose; and tho' your Memorialist were possessed of those materials, he has (he fears,) from a reliance on your Honours equity and humanity, and because he wished not to embarrass you at a time when your whole attention was engrossed by the most important objects, suffered the proper season for such application to pass, and thereby lost the evidence of Col. Ford, which alone could clear up any difficulty that might appear on the face of the proceedings. When your Memorialist considers some recent cases attended with circumstances of aggravation far beyond any charge (however heightened) which has ever been brought against him, and the indulgence, amounting even to approbation, with which they have been treated, he cannot but lament his own peculiar ill-fortune, which has thrown in his way difficulties, almost insuperable, in soliciting only common justice. He thinks it his duty, however, before he shall resort to his only remaining remedy, (the laying his case before the Throne) to apply once more to your Honours, to interpose your influence, in order to obtain for him from your late noble Commander in chief, those papers which your Memorialist

rialist has so often solicited in vain, and in case they shall be still with-held, to pray that your Honours will, upon due consideration of the singular hardships of his case, grant to your Memorialist, such redress as to your Honours shall seem meet.

Dec. 6th, 1769.

ANSWER to the above.

MR. Michell's compliments to Captain Donnellan, and acquaints him the Committee of Correspondence abide by their former resolution, as to the giving him a certificate, and that they have ordered a copy of the court-martial from Bengal.

*East-India-House, Monday night,
19th Feb. 1770.*

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